

# **EXHIBIT E**

**Massand, Neal**

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**From:** Ernie Nycz [ernie@nycz.com]  
**Sent:** Tuesday, May 10, 2011 5:02 PM  
**To:** Massand, Neal  
**Cc:** Colao, Brian  
**Subject:** Re: settlement documents

I am not sure why you guys "Ran" to the court. I was always planning on getting you feedback without regard to the court.

BTW, you are the ones actually in breach. The original mediated settlement agreement said both parties were supposed to work to get done within 30 days from the mediated settlement agreement. You did not send me any drafts until long after the 30 day window... It was understood to me that your side was going to work up the first draft settlement docs, which you did not get to me until a little over 1 week ago.

I have noted many comments, I have sent to my client for his review. I hope to have some comments for you tomorrow. I expect this to be wrapped up long before we talk to the Judge, depending on how reasonable we are all going to be in this process.

Ernie Nycz

On 5/10/11 4:56 PM, Massand, Neal wrote:  
Ernie,

In light of the Court's ruling, do you think you will be able to provide feedback on the documents early next week?

Neal

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